

DIAA Board of Directors' Meeting Minutes
Thursday, May 8, 2014 – 9:00 a.m.
John W. Collette Education Resource Center

I. Opening

A. Call to Order

The meeting was called to order at 9:05 a.m. by Vice-Chair Curtis Bedford.

B. Roll Call

The following DIAA Board members were present: Curtis Bedford, Evelyn Edney, Craig Eliassen, Laura Leone, Bradley Layfield, Robert Cilento, Mike Hart, Dr. Kevin Fitzgerald, Dr. Mark Holodick, Ron Eby, Dr. Robert Walter, Nils Marcune, Edna Cale, and Leroy Mann. Kevin Charles, Executive Director, and Paula Fontello, Deputy Attorney General, were also in attendance. Terre Taylor, Susan Coffing, Susanne Williams, Gary Cimaglia, Willie Savage, and Dr. Susan Haberstroh were unable to attend.

C. Approval of Agenda

Mr. Bedford explained that items III. B. and III. C. are being removed from the agenda. Ms. Cale made a motion to approve the amended agenda. The motion was seconded by Mr. Eby and carried unanimously.

D. Approval of Minutes of DIAA April 10, 2014 Board Meeting

Mr. Hart made a motion to approve the minutes of the April 10, 2014 Board meeting. The motion was seconded by Mr. Eliassen and unanimously.

E. DIAA Financial Report

Mr. Charles provided updates on the reporting period of April 3, 2014 to April 30, 2014. Mr. Charles stated that the revenue to date was \$733,493 which was 92% of the projected revenue. Mr. Charles reported that income for the reporting period was \$12,231. Mr. Charles explained that the expenditures to date are \$637,210 which was 80% of the projected expenditures. Mr. Charles reported that expenditures for this period were \$31,770. Dr. Fitzgerald made a motion to accept the financial report. The motion was seconded by Dr. Walter and carried unanimously.

II. Public Comment

None

III. D. Action on Proposals to Amend DIAA Regulations

1. **Eight Grade Participation at the high school level-** Mr. Charles reviewed DIAA Regulations 1009.2.7 and 1008.2.1 and commented that there were three key components to the proposed changes to the 8th grade rule.
 - a. The first had to do with the criteria which qualifies a school to be able to play 8th graders up. The regulations use the term “administrative unit” but does not define the term. Nor does a definition exist in DE Code or DOE Regulation that would apply to all DIAA member schools. Dr. Fitzgerald made a motion to take no action to change the use of the term administrative unit and was seconded by Dr. Walter approved by unanimous vote to refer the regulation to the regulation study group to either define the term or identify a more appropriate term. In addition, new language in 1009.2.7.3.1 formalized the procedures and requires member schools that believe they are eligible to play 8th graders up must adopt a policy and obtain approval from the Board.
 - b. The Board agreed to adopt the new provision in 1009.2.7.3.3 which requires that in order for an 8th grader to play up they must have been in attendance at that school for their entire 7th grade year.
 - c. The Board removed the proposed restriction that 8th graders playing up are limited to sub varsity only. But, the Board expressed concern about the potential for undue influence and recruiting as well as the inequity of the 8th grade rule. As a result, the Board directed DIAA to work with member schools to gather data on transfers so that DIAA can more closely monitor transfers and use that data to assist in determining the need for future changes to regulation.
 - d. Other changes include the applicable part of 1008.2.1 is repeated in 1009.2.7.3.2 for ease of use in order to put all references to 8th grade participation at the high school level in one place. In addition, minor edits have been incorporated which are intended to make the document more user friendly.
 - e. Mr. Hart made a motion to approve these changes. The motion was seconded by Mr. Eliassen and carried by a vote of 12 – yes (Bedford, Edney, Cale, Eliassen, Layfield, Cilento, Hart, Fitzgerald, Holodick, Eby, Mann, and Marcune) and 2 – no (Walter and Leone) If approved by the SBOE, these changes will be effective for the 2015-16 school year.
2. **Eligibility of Transgendered Students-** After considerable discussion the Board acknowledges this as a subject that must be addressed and has reviewed several potential versions of either regulation or policy. The Board feels unqualified to make this decision without input from experts with in depth knowledge of the subject matter. Dr. Walter made a motion to work with the DIAA Sports Medicine Advisory Committee to identify a group of experts knowledgeable about the social, legal, psychological and medical aspects of gender identity/transgender

- in order to develop a regulation or best practices model for use by DIAA and our member schools that is consistent with Delaware law. Some Board members did express concern about adopting any policy that directed each member school to adopt their own policy and for consistency the regulation/policy adopted should be a statewide requirement found in DIAA regulation or policy. The motion was seconded by Ms. Leone and carried unanimously.
3. **Middle School Wrestling-** DIAA Regulation 1008.3.2 is revised to include updated weight classifications and length of matches. Both were recommended by the State Wrestling Committee and previously approved by both the Rules and Regs Committee and the DIAA Board of Directors as a waiver affecting all schools prior to the 2013-14 school year. The revised weight classes are intended to be consistent with current student weights and provide greater opportunity at higher weights than previous weight classes. The match length has been increased by one minute with 30 seconds added to the 2nd and 3rd periods. In addition, minor edits have been incorporated which are intended to make the document more user friendly. Mr. Eby made a motion to approve this change. The motion was seconded by Mr. Cilento and carried unanimously. This rule change will be effective for the 2014-15 school year.
 4. **Transfer Rule Exceptions-** Mr. Charles explained that a proposed amendment to DIAA Regulation 1009.2.4.4 was passed in draft form in January by adding language that eliminates all exceptions when the transfer was due to dismissal or refusal to readmit the student at the sending school. At the annual meeting a polling of the athletic directors indicated support by the member schools. However, the DIAA Board did not support this change and it has been eliminated from the revisions. In addition, DIAA regulation 1009.4.4.3.8 was amended by defining the term “dropping their athletic program” and expanding the exception to include dropping a single sport under certain restrictions. Dr. Holodick made a motion to accept this change. The motion was seconded by Ms. Cale and carried unanimously. This change will be effective upon approval by the State Board of Education.
 5. **ADA and Age-** Mr. Charles explained that DIAA Regulations 1008 and 1009.2.1 are revised to include a provision to consider an age waiver for students with a disability that resulted in the student’s attendance in school past 19 (15 at the middle school level). Mr. Charles stated that currently the age rule is the only DIAA eligibility regulation that cannot be waived by the DIAA Board of Directors. As an example, this amendment is intended to allow participation by a student with Down syndrome beyond 15 or 19 years of age at the middle and high school level, respectively. The Board inserted five criteria (1009.2.1.1.2.1 through 2.1.1.2.5) to guide their review of waiver requests. Dr. Holodick made a motion to accept this change. The motion was seconded by Ms. Cale and carried unanimously.

6. **Practice Sessions-** Mr. Charles explained that DIAA Regulations 1008 & 1009.4.2 were revised significantly in 2011 following issuance of national guidance from the NFHS and NATA relating to health hazards associated with heat and acclimatization. Mr. Charles further explained that the changes were not well vetted with member schools prior to adoption and after the schools had the opportunity for review and input the DIAA Board waived the regulations adopted in 2011 and replaced with language that addressed concerns expressed by member schools. Mr. Charles stated that the attached changes reflect the Board's approved modifications of the practice regulations in 2011. Mr. Charles stated that in addition, minor edits have been incorporated which are intended to make the document more user friendly. Mr. Eby made a motion to approve the changes. The motion was seconded by Mr. Eliassen and carried unanimously. This change will be effective for the 2014-15 school year.
7. **Coaching Out of Season-** Mr. Charles explained that DIAA Regulation 1009.7.5 was amended by eliminating 1009.7.5.2.5 and renumbering accordingly. Mr. Charles further explained that the eliminated section prohibited the coaching of 8th grade students by a high school coach in the coaches' designated sport. Mr. Charles stated that following adoption in 2011 this regulation was quickly found to be problematic and was waived by the Board. Mr. Eby made a motion to approve this regulation change. The motion was seconded by Ms. Cale and carried unanimously.
8. **International Students-** Mr. Charles explained that DIAA previously granted a waiver to allow international students to participate in bonafide education programs pending amendments to the regulation. The draft presented amends DIAA Regulation 1009.2.8 to include provisions which permit international students who are not in the US on a J1 cultural exchange visa to compete at DIAA member schools if the school has a program approved by the Executive Director. Mr. Charles stated that the approved program must include several provisions, including limiting participation to the sub-varsity level without state tournament eligibility during the international students' first two years of attendance at the school. The changes to this regulation incorporate the policy previously approved by the Board as part of the waiver. Mr. Eby made a motion to accept this change. The motion was seconded by Dr. Walter and carried unanimously and will be effective for the 2014-15 school year.
9. **Codes of Conduct-** Mr. Charles explained that the proposed amendments to DIAA Regulation 1007 incorporate aspects of the NFHS Coaches' and Officials' codes of conduct found in NFHS rules books. Mr. Charles stated that the changes are primarily intended to remind coaches and officials that they are part of an education based activity and incorporate references to social media into the Codes. Mr. Eby made a motion to accept the changes. The motion was seconded by Dr. Walter and carried unanimously and will be effective upon approval by the SBOE.

III. A. Approval of Tournament Sanctions

Mr. Charles reported that there are 7 events to be sanctioned including 6 outdoor track and field and 1 cross country. All appear to be in compliance with DIAA and NFHS regulations. Mr. Eby made a motion to approve the sanction events. The motion was seconded by Mr. Eliassen and carried unanimously.

E. Approval of 2014 Harry Roberts Scholar Athletes

Mr. Neubauer reported on the results of the adhoc scholarship committee appointed by Chair, Terre Taylor. Mr. Neubauer commented that there were thirty-two applications. Mr. Neubauer stated that the committee selected Amria Hannon; Sanford School, Sabrina Hackendorn; St. Elizabeth High School, Hailey Parks; Seaford High School, and Gabrielle Culver; Laurel High School to receive awards for girls and William Davis; Woodbridge High School, James Martelli-Raben; Wilmington Friends School, Mariano DiGabrele; Concord, and Kevin Speer; Conrad to receive awards for girls. Dr. Holodick made a motion to accept the report. The motion was seconded by Mr. Marcune and carried unanimously.

IV. Executive Director Report

A. Legal Report

Ms. Fontello reported that the State Board adopted the hearing officer's recommended decision and affirmed the decision made by the DIAA Board at the December meeting. The State Board's decision is final and there is no further appeal. Ms. Fontello also stated that there were other legal matters still outstanding.

B. Misc.

Mr. Charles reported on discussions held at the NFHS SMAC and Legal meeting. Major topics discussed included sudden cardiac arrest and emergency action plans, transgender students, and limiting contact in football practice and baseball pitch count.

Mr. Charles asked for direction on two issues. The first involving the four schools involved in the DFRC Kick Off Classic to begin practice on August 14, 2014. The Board supported the Executive Directors suggestion to allow those schools to begin practice on August 14, 2014.

Mr. Charles commented on the excessive amount of practice and competition

dates lost this spring due to inclement weather. Mr. Charles suggested dropping all requirements for minimum number of contests to qualify for the tournament; for an opponent to be considered varsity level and locked schedules for spring state tournament competition. The Board supported this decision.

V. Other

VI. Public Comment

None.

VII. Adjournment

Dr. Holodick made a motion to adjourn at 12:40 p.m. The motion was seconded by Ms. Cale and carried unanimously.

Tina Hurley